

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID GARCIA,

Plaintiff,

v.

HENRY RICHARDS,

Defendant.

Case No. C05-5136FDB

ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Magistrate Judge recommends that this matter be dismissed without prejudice for the reason that judicial oversight of the facility at issue, the Special Commitment Center (SCC), is before another judge. In *Turay v. Seling*, C91-0664RSM, the Court has dissolved portions of the injunction, but continues oversight to insure that there is no “backsliding.” (*Id.* Dkt. # 1906.)

Plaintiff has responded arguing with the characterization of the residents of the SCC, and also arguing that his complaint (and that of others, as well) fall outside the time from of *Turay*. Plaintiff also appears to urge self-recusal of Magistrate Judge Karen Strombom.

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the report and recommendation, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The complaint is **DISMISSED WITHOUT PREJUDICE**
- (3) The Clerk is directed to send copies of this Order to plaintiff, and to the Hon .Karen L. Strombom.

DATED this 17th day of May 2005.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE